

REMARKS

Applicant submits this Response to the Office Action mailed September 9, 2004. Applicant has amended claims 2, 3, and 6. Claims 1-36 are currently pending. No new matter has been added.

In the Office Action, the Examiner has rejected claim 2 under 35 U.S.C. § 112, ¶ 2, as lacking antecedent basis. Applicant has amended claims 2, 3 and 6 to correct typographical errors in referencing the elements of claim 1, which Applicant believes addresses the Examiner's basis for this rejection. Applicant thus respectfully requests that the Examiner withdraw this rejection.

The Examiner has rejected claims 1-6 and 15-36 under the doctrine of obviousness-type double patenting as unpatentable over claims 1-27 of U.S. Patent No. 5,923,756 ("Shambroom I") in view of U.S. Patent No. 5,005,200 to Fischer ("Fischer"), as well as claims 7-14 under the doctrine of obviousness-type double patenting as unpatentable over claims 1-27 of Shambroom I in view of Fischer and U.S. Patent No. 5,590,199 to Krajewski, Jr. et al. ("Krajewski").

Applicant has submitted with this Response a Terminal Disclaimer disclaiming the terminal portion of any patent issued on the present application beyond the term of the Shambroom I patent, which Applicant believes obviates the double-patenting rejections of claims 1-36.

Applicant therefore respectfully requests that the Examiner withdraw the rejections of these claims.

By submitting the aforementioned Terminal Disclaimer, Applicant does not concede claims 1-36 to be unpatentable over the claimed subject matter of Shambroom I in view of the Fischer and/or Krajewski references. In fact, Applicant believes the Fischer and Krajewski references in combination with claims 1-27 of the Shambroom I patent do not teach or suggest the combination of all of the elements of claims 1-36 as presented herein. However, Applicant also believes that the minimal restriction imposed by the aforementioned Terminal Disclaimer is outweighed by the benefit of prompt issuance of a patent including the presented claims, and thus submits the Terminal Disclaimer on that basis only.

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues.

Respectfully submitted,



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October 8, 2004

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